

**FLATHEAD COUNTY BOARD OF ADJUSTMENT
MINUTES OF THE MEETING
MAY 1, 2018**

CALL TO ORDER A meeting of the Flathead County Board of Adjustment was called to order at
6:01 pm approximately 6:00 p.m. at the Earl Bennett Building, 1035 First Avenue West,
Kalispell, Montana. Board members present were Cal Dyck, Ole Netteberg,
Gina Klempel and Roger Noble. Mark Hash had an excused absence. Erik
Mack, Kari Nielsen, and Mark Mussman represented the Flathead County
Planning & Zoning Office.

There were approximately 65 members of the public in attendance.

APPROVAL OF Klempel motioned and Netteberg seconded to approve the March 06, 2018
MINUTES minutes as written. The motion passed unanimously.
6:02 pm

PUBLIC None
COMMENT
(Public matters that
are within the
jurisdiction of the
Board 2-3-103
M.C.A)
6:02 pm

EAST GLACIER A request from Land Solution, LLC, on behalf of East Glacier Holdings, LLC,
HOLDINGS, LLC for a conditional use permit for an Airfield to allow for a helicopter landing pad
(FCU-18-04) on a lot located within the Blanchard Lake Zoning District. The property is
6:03 pm located at 5560 Highway 93 South, just south of Whitefish, MT and is zoned
SAG-5 (Suburban Agricultural) and SWO (Highway 93 South Whitefish
Overlay).

STAFF REPORTS Mack reviewed the Staff Report FCU-18-04 for the board
6:03 pm

BOARD None
QUESTIONS
6:08 pm

**APPLICANT
PRESENTATION**
6:09 pm

Dave DeGrandpre, 36708 Leon Rd., discussed topography and site details of the application. He mentioned it would not be able to be seen from HWY 93. The applicant was also purchasing the neighboring land as an additional buffer. He said the intention for the landing pad was for personal use and daytime operation but he did not want to close the door to possible commercial use in the future. He said the grassy field would be covered in a hard surface. He said that there was access from HWY 93 and the impact to neighbors would be minimal.

Jordan White, 290 Boon Rd, was a commercial pilot who reviewed the site for the applicant as to the feasibility and the safety of the site. He was available for questions.

DeGrandpre mentioned that this was the first step in the review process. He said there were several steps that they would be going through; including engineering and Federal Aviation review.

Netteberg wondered what model of helicopter the applicant had. DeGrandpre said the owner did not own a helicopter at this time but that it depended on the outcome of this process.

Klempel wondered where the property was located in relationship to the ranch he owned.

Tracy Jones, 830 Dakota Ave, said that the ranch was located in East Glacier, just past Marias Pass.

**AGENCY
COMMENTS**
6:14 pm

None

**PUBLIC
COMMENTS**
6:14 pm

None

**BOARD
DISCUSSION**
6:15 pm

Noble followed up on comments received regarding safety asking White if he had flown into the area. He said he had but he was familiar with the area and had flown around the property many times. Noble asked if the trees to the west would create a problem. White said that the wind was predominately from the west; therefor landings would be approached from over the highway and would not be a problem. White recommended that the applicant clear a path through the trees, on the 30 acres he is purchasing to the west, to clear a path to afford more opportunity in severe winds to be able to take off and stay in the wind affect longer on departure.

Noble asked White if the powerlines nearby, ¼ to ½ a mile away, were an issue and White said it was irrelevant to a helicopter. He said that they would be concerned with something within 50' away. White also mentioned that it was outside the controlled Delta airspace of Glacier International Airport. He spoke with the director of operations, who acknowledged that it would be a safe and appropriate landing spot and would not interfere with the traffic for a large incident.

Klempel asked White why the applicant would not put the landing pad on their residential property if it was going to be for personal use. White clarified that, to his understanding, they lived in Flathead County and E. Glacier and it was a convenient location for them to store the helicopter. He said to cross over to a commercial use, the process is very arduous and there were many requirements by the FAA.

Netteberg said he felt comfortable with the personal use but not the potential of commercial use.

Klempel wondered if they were to pursue a commercial use, if they would have to come back and go through a process with Planning and Zoning. Mussman said it depended on the scope of the commercial use and reiterated that the process they would have to go through with the FAA might deter them from going through the commercial process.

Dyck wondered what the definition of commercial vs. noncommercial use was. Mussman referred to the zoning regulations. White said the FAA definition of commercial use was the difference between part 91 and part 135 operation, which would be purely for compensation or higher. It would be the difference of flying for your friends and they do not contribute to the cost of the operation or someone is paying for it and would have an exception of what would be expected. Mussman said that their definition of commercial would be what you would expect and read the regulations.

Noble mentioned that he didn't see it rolling in to commercial use.

Klempel said that they had something similar come before the board before. The concerns that were brought up were safety issues and that this was not anything new to the board.

Netteberg questioned if they could put a condition on the application that they could only use it for personal use as condition #13. He felt there was a big difference between personal and commercial use.

Noble wanted to add condition #14, should the applicant acquire the property to the west, they clear the trees along the western boundary for a broader approach to address safety reasons.

Klempel wondered how that would affect the neighbors after clearing.

**MOTION TO
ADOPT F.O.F
AND ADD
CONDITIONS #13
& #14
(FCU-18-04)
6:29 pm**

Noble made a motion, seconded by Netteberg, to accept Staff Report FCU-18-04 as Findings-of-Fact and add the following conditions:

13. For personal use at this time only and would require coming back to BOA for commercial use.

14. Should the applicant acquire the property to the west, a larger number of trees shall be removed to allow for a broader approach.

**ROLL CALL TO
ADOPT F.O.F
6:29 pm**

Motion was passed unanimously on a roll call vote.

**MOTION TO
APPROVE
(FCU-18-04)
6:29 pm**

Noble made a motion seconded by Netteberg to approve the application.

**ROLL CALL TO
APPROVE
(FCU-18-04)
6:30 pm**

Motion was passed 3-1 on a roll call vote. Klempel dissented.

**PING
CONSTRUCTION
INC.
(FCU-18-05)
6:31 pm**

A request by Scott Ping for a conditional use permit to establish a 'Camp and Retreat Center' on property located at 650 Walker Meadow Road within the Southeast Rural Whitefish Zoning District. The applicant intends to develop a camp and retreat center, including short-term rentals on property zoned SAG-10 (Suburban Agricultural) and containing approximately 14 acres.

**STAFF REPORTS
6:31 pm**

Nielsen reviewed the Staff Report FCU-18-05 for the board.

**BOARD
QUESTIONS
6:35 pm**

None

**APPLICANT
PRESENTATION**
6:35 pm

Scott Ping, 650 Walker Meadow Rd., shared his intent for building two cabins for his family and extended family. He said he wanted to be a good neighbor and comply with county regulations. He said that the staff report was very thorough and he was in agreement with it, except for a corrected typo that he felt caused frenzy with his neighbors. He wanted to be a good neighbor and work with them as well.

**PUBLIC
COMMENTS**
6:40 pm

Ken Kalvig, 100 Cooperative Way, Ste. 200, was hired by the neighbors to the east of the subject property. He was concerned because the applicant indicated this application was not for a camp and retreat center as applied for. He said that people have used camp and retreat centers in the past so that they could use it as short term rentals on their property and argued that the permit was a subterfuge for short-term rentals and not for the applicant's family. Kalvig also noted concern for the narrowness of the road and implied it was inadequate for access to a 'business'. He said that Camp and Retreat Centers have caused great distress amongst neighbors. He was having a hard time distinguishing between a Camp and Retreat Center and short term rentals. He said that Planning and Zoning Dept. should have been the gatekeeper on the short term rentals but they have not done that. He also notified the board that Ping had been advertising short term rentals since March 2017. He said that you could have one principal use on the property and then discussed the zoning code in great length. He also said there was a problem with how close the cabins were going to be to the creek. He said it was the applicant's responsibility to address how close the cabins would be to the property line, the creek and he believed that the applicant had not carried his burden of proof. He said there were 3 dozen neighbors who were not happy with the proposal and the board did not have to approve it. He felt it was not a genuine request for camp and retreat and it appeared to be a request for a short term rental.

Devin Warren, 905 Monagan Rd., was in the process of buying a neighboring property and spoke in opposition of the application. He said that the reason why they were objecting to the application did not have to do with the error in the report but they questioned the integrity of the applicant following through with the application as intended. He said there was already a VRBO currently being advertised and wondered how well VRBO's were vetted. He was also concerned about fires and having his property next door. He was concerned about safety for his young family. He was concerned about the road not being wide enough to accommodate increase of traffic. He said at the end of the day, he was concerned about a facility being created that would create a burden. He said that Mr. Ping currently had a place for his family to stay (i.e. the VRBO that was advertised).

Kris Lierboe, 240 Sweetgrass Way, was the neighbor directly east and spoke in opposition of the application. She said that the site plan differed from what was submitted to Planning and Zoning. She said they had bought the property in 1999 from Ping and said that he had put covenants on it so that they could not

build anything on the property or close to a creek. She felt that he was being hypocritical. She and her husband were opposed to a camp and retreat center and the short term rentals because they were too vague. She felt like it sounded like commercial use. She was also concerned about fire danger that might come with short term rentals and tourists who were unaware of the fire dangers. She was also concerned of the affect that it would have on Walker Creek. She asked that they consider the wishes of the unified neighborhood.

**APPLICANT
WITHDRAWAL OF
FCU-18-05
7:13 pm**

Ping said that he was unaware that anybody had a problem with the application. He was unaware of the petition going around against the Conditional Use Permit. He understood the concerns brought up and why people were concerned based on the rumors going around. He said that he went down to the Planning Office to investigate what needed to be done in order to put in two small cabins on his property and was advised to apply for a camp and retreat center. He said that he felt that he got led down a path and now he had all his neighbors mad at him. He said that he did not have a short term rental available anymore. He said that the caretaker was taking care of all of that. He said he was here because he wanted to build a couple of small cabins. He expressed his concern and apologized to the neighbors and said that he wanted to withdraw his application. He said that he would like to get everything legal and get his caretaker facility approved.

Mussman clarified that when Ping came in to seek advice on how to go forward, he said that he wanted to build two cabins to create a camp and retreat for his family, so that's how they moved forward.

**BREAK
7:17 pm**

Break due to technical difficulties.

**MIKE & GARRY
SEAMAN
(FCU-18-01)
7:34 pm**

A request from Michael V. Seaman and Garry D. Seaman for a conditional use permit for a manufactured home park that will include 122 spaces within the Evergreen Zoning District, zoned R-4 (Two Family Residential). The property is located immediately west of West Evergreen School and contains approximately 33 acres. The applicants are requesting preliminary plat approval of 'West Evergreen Estates', a two phased manufactured home park reviewed under 'Subdivision for Lease or Rent' and will connect to Evergreen Water & Sewer.

**STAFF REPORTS
7:35 pm**

Nielsen reviewed the Staff Report FCU-18-01 for the board

**BOARD
QUESTIONS**
7:38 pm

None

**APPLICANT
PRESENTATION**
7:38 pm

Eric Mulcahy, 2 Village Loop, from Sands Surveying represented the applicant as the Land Planner. He discussed the proposal in detail, including a lower density than what was permissible. He said they had worked with agencies on their design. They tried to accommodate their neighbors with buffers. He indicated the Flathead County Planning Board suggested additional conditions for the conditional use permit; which included modifying the park rules to require the manufactured homes to be no older than 10 years old at the time of installation and that park rules could not be changed without the permission/approval of the governing body. He also indicated the traffic impact study showed no loss of service in the area as a result of the development and said that it was an application for 33 acres to be used as an RV Park.

**BOARD
QUESTIONS**
7:43 pm

Noble questioned if the lots were strictly to lease or if the applicant was going to bring his own trailers in and lease them. Mulcahy said that the occupants would be buying and placing their own home on the property and then renting the lot.

Dyck asked that he clarify whether he meant rent or lease. Mulcahy said that he meant rent. Dyck also wondered if the homes were allowed to be sublet after someone put a trailer on. Seaman said subletting would not be allowed.

Bob Abelin, with Abelin Traffic Services, addressed Noble's question about the traffic study. Noble wondered why most subdivision studies showed 10 visits per lot and why Abelin had used only 5. Abelin explained the generation rates were based on National Standards for mobile home parks. He said that a mobile home park created ½ the traffic that a standard subdivision did. Noble questioned the recommendation that was made regarding the intersection and he wondered if there was room for a deaccelerating lane. Abelin said that based on the numbers it didn't seem that it was terribly needed. Mulcahy got up and clarified the street that Abelin had recommended be addressed was Whitefish Stage and W. Evergreen but it fell within the City of Kalispell jurisdiction.

Klempel asked if W. Evergreen Drive could ever be widened. He said that he could not answer that at this time.

**PUBLIC
COMMENTS**
7:50 pm

Derek Vandenberg, 3083 Sweetgrass Ln., spoke in opposition of the application. He stated that they were going to hear a lot of emotion but he wanted to go over some of the facts. He discussed what he viewed as discrepancies in the traffic report. He said that the County Commissioners, when they allowed the zone change, took in to consideration one land owner rights over the rights of the others. He said there were plenty of legal binding examples supporting they did not have to approve it. He was also concerned about his property values being affected and said he had already seen the examples of it happening in the neighborhood. He did not have a problem with manufactured homes but he did have a problem with the transient nature that rentals bring in.

Ian Wargo, 3085 Sweetgrass Ln., spoke in opposition of the application. He discussed the traffic study and the possible discrepancies and referred to the regulations. He said, by definition, if they were owned and on permanent foundations then the numbers might be different. He said the amount of time that the data was collected, with 15 minute snapshots, did not make sense. He felt it was opening the door to future litigation. He wanted the park rules to go to the Planning Board before being changed. He quoted the Commissioners as stating that they hoped there would be salable lots and it was not in the proposal.

Rhonda McDowell, 95 W. Evergreen Dr., spoke in opposition of the application. She was in agreement with the previous concerns that were brought up. She was concerned about the traffic and felt the study was inaccurate. She said that there were certain times during the day that were really busy (i.e. school hours) and felt like the traffic study needed to be redone. She was also concerned about the path going back in to the school and did not want extra traffic going through the school yard.

Colleen Jukich, 31 W. Evergreen Dr., spoke in opposition of the application. She presented some photos showing the daily traffic problem. She said she had people driving through her lawn to get around the traffic. She said her neighbor got ran over a few years ago because the traffic was so bad. She feared for the safety of the children. She did not feel the traffic study was accurate and was in agreement with all that had been shared prior.

Ron Krohn, 28 River Rd., spoke in opposition of the application. He was concerned about the traffic and would like to see a speed sign. He said that he had put reflectors up on the S curves where he lived and they had been run over. He would like them to be put back in. He was concerned about the intersection on Idaho. He also requested that there be striping put back on the road. He felt like W. Evergreen and Whitefish Stage congestion needed to be addressed. He was in agreement with the concerns shared previously.

Virginia Feiker, 3179 Sweetgrass Ln., spoke in opposition of the application. She questioned why there would be two families living in a unit. She was also concerned that her property value would go down. When they moved in, they

thought that another subdivision would be going in, not a mobile home park. She was concerned about how they would be taken care. She said that if occupants were not going to buy the land, then they weren't going to take care of the land.

Duane Goulet, 41 W. Evergreen, spoke in opposition of the application. He said his property had gone downhill because they were being invaded by apartments and multi-family units. He was concerned about the W. Evergreen Dr. traffic and the accuracy of the traffic study. He said they had trailers all over the area. He said that they already had trailer courts in every section of Evergreen. He understood the need for low income housing but he wondered why they couldn't be located in other places too. He said that he loved Evergreen but didn't love what he was seeing now. He discussed the recent traffic congestion that he had seen and questioned the accuracy of the traffic study.

Jelene Thomas, 101 W. Evergreen Dr., spoke in opposition of the application. She said that the traffic study was a joke and she could see 40 cars go by in 10 minutes and she counted 6 school buses every morning. She said that there was a 25 mph across from her house in which nobody paid attention to. She was concerned about traffic safety.

Dennis Falcon, 161 Palmer Dr., spoke in opposition of the application. He was there to express concerns for the residents of Village Greens. He said that they were the largest subdivision in Kalispell, currently with 420 homes and plans for another 75. They were an elderly community which depended on emergency vehicles and he was concerned how the traffic would affect their access for these. He said W. Evergreen could not handle it. He also mentioned that Village Greens was a perfect model of modular homes, on permanent foundations, and they would own their property and homes and how it could work.

Dorothy Huff, 29 Meadowlark Dr., spoke in opposition of the application. She referred to a previous proposal that had been turned down due to the concerns of property taxes. They were still concerned. She wondered why Evergreen was the place to put it in.

Rob Shanks, 3167 Sweetgrass Ln., spoke in opposition of the application. He said when they bought the property they were told it would be a subdivision developed, not a mobile home park. He recently had his house reevaluated and he was told that he would take a \$50k hit. He did not feel like that was fair. He was concerned that his property would go down but his taxes were going to go up. He was also concerned about the school being overcrowded and needing to accommodate more kids.

Lance Vitt, 180 River Rd., spoke in opposition of the application. He was concerned about road safety for his kids. He said they were not opposed to a

decent subdivision. A mobile home park would create more traffic and he felt it would make it dangerous for kids to get to school.

Chad Barden, 35 Willow Dr., spoke in opposition of the application. He was concerned about safety and said that the most recent trailer court that he lived in had 5 drug houses that could not get reported to the cops. He was concerned that there would be drug houses so close to the junior high.

Daryl Teets, 3143 Sweetgrass Ln., spoke in opposition of the application. He was also HOA president for River Place. He was concerned about traffic safety and congestion increasing and expressed that it was worse when the train went through. He stated he was also in agreement with all the concerns that had been brought up previously.

Jacque Anders, 40 Parklane Dr., spoke in opposition of the application. She said that she had bought a duplex for her and her daughter so they could get out of low income housing. She said she currently did not let her grandchild walk to school and certainly would not let him go through a mobile home park. She said kids could hardly get across the street when they are trying to get home. Drivers were not considerate. She was also concerned about property value going down and she would lose everything.

Chris Hall, 115 W. Evergreen Dr., spoke in opposition of the application. He brought up the previous Planning Board meeting in which they could not make a recommendation. He said that the previous meeting it was passed because it was affordable housing and he gave statistics implying that it was not affordable. He was also concerned about crime increase.

Don Denning, 146 E. Evergreen Dr., spoke in opposition of the application. He said there had been a lot of changes in Evergreen over the years. He was very concerned about traffic. He said that he was unable to turn left today and had to turn right because it was so bad. He said that W. Evergreen, by the school, was only 20' wide and they would not be able to widen it without infringing on somebody's property. He was also concerned about the affect the density would bring on the school.

Robin Treat, 89 W. Evergreen Dr., spoke in opposition of the application. He said that he had lived in the valley for 37 years and he hasn't seen much change on W. Evergreen Dr. He was concerned for traffic and safety. He also brought up the concern for snow removal and how it could possibly flood out the neighbors. He really wanted to ensure the pride of ownership. He asked if this was really what Evergreen needed or wanted.

Sue Sommers, 15 E. Nicklaus, spoke in opposition of the application. She was in agreement with everything that had been shared prior. She was concerned about the fact that it was going to be rental units and not owned. She was

concerned about traffic safety and gave examples of things that she had seen. She was concerned about adding density. She was also concerned about trailers being moved in and out and how that would be affecting the traffic.

Chuck Wilhoyte, N. 515 Juniper Bay Road, spoke in opposition of the application. He had spent 9 years as president for the HOA in Village Greens. He felt that the city and county should work together to come up with a traffic study and fix some of the issues that occur on those roads. He felt like a 3-6 months study would support many of the concerns that were brought up tonight.

Susan Groverman, 14 E. Nicklaus, spoke in opposition of the application. She was concerned about the traffic congestion, possible increase of crime, and property values going down. She said their retirement community could not afford for the values to go down. She felt like it would have a negative impact to the area.

Barb Goulet, 41 W. Evergreen, spoke in opposition of the application. She was concerned about traffic safety. She said that there was a 25 mph sign near their house that had been run over. She expressed concern that the school zone was 25 mph and not 15 mph like she said other school zones were. She said kids jumped in to her flower beds to avoid traffic on the roads. She said that there were already over 1,000 mobile homes in Evergreen and felt like they had "already done their share". She desired the homes to be owner occupied. She asked that the board consider how they would feel if it was going in their backyard.

Merrill Feiker, 3179 Sweetgrass Lane, spoke in opposition of the application. He had a background in law enforcement and reiterated that trailer parks seemed to generate more crime. He was also in agreement with everyone else's concerns that were shared.

Elizabeth Vandeberg, 3083 Sweetgrass Ln., spoke in opposition of the application. She wanted to point out that the properties that were to the south do not have privacy fences as previously stated. She said that it was a short sited development and wished they would wait to see what affect the rail park would have on the traffic.

Linda Denning, 146 E. Evergreen Dr., spoke in opposition of the application. She lived in between the schools and she said there were times every day where the traffic was backed up. She said a lot of people used East and West Evergreen as a detour around Reserve. She asked Seaman, directly, to listen to what everybody was saying and to reevaluate what he was doing. She said there was more to life than making money. She asked Seaman to do the right thing for the community.

**APPLICANT
REBUTTAL
8:47 pm**

Abelin wanted to address the comments made about the traffic report. He said he had been doing studies around the state for a long time and discussed in detail how he approached this study. He addressed the timing of the traffic counts. He said that the traffic study was done in the span of two days and they did the best they could to take in to consideration the school traffic impact. He said the traffic volume would be increased about 10%.

Mulcahy stated that they have heard the neighbors loud and clear and understood where they were coming from. He said mobile homes were encouraged by the growth policy and the business community as affordable housing. He said what was going for the subdivision was that it was close to the schools, served by public sewer and water, and was close to shopping. He said that people were saying to "do the right thing" but that also meant providing housing for people who served them dinner or worked at the gas station.

**BOARD
DISCUSSION
8:56 pm**

Netteberg reiterated that the board felt torn. He said that the traffic study gave a lot of information and that 90% of the concern was regarding the road.

Klempel said that W. Evergreen Dr. was the poster child for substandard roads and felt like the county needed to take a look at that.

Noble said that the traffic safety was a real concern.

Dyck asked Abelin about the formula regarding 5 trips per day per unit being the standard for a mobile home park. Dyck asked if Abelin were to move up data to a standard subdivision, if it would change the safety of the road in the traffic impact study. Abelin went over data that was used vs. the standard subdivision data and how that would change. He said it would add 80% increase. It was hard for him to say if it would have a significant impact on the roads.

Dyck addressed the public and said they had heard their concerns regarding traffic, road safety, and ownership occupied vs. renter occupied. He said that it was a difficult situation for the board. The application had already been approved once before and so the only way they could deny it is if they could come up with information that could change that. Dyck said that upon hearing the information, he was concerned about the safety for the community. He asked Mussman what the county could do about a substandard road and what responsibility board had to address it. Mussman spoke to how they could address that and the said it was by the acquisition of a right away along the W. Evergreen corridor. He pointed out that there were an abundance of structures that would be affected by that and some may even be total acquisitions of their properties. The acquisition would, in turn, offer fair market value but it would be incredibly expensive. He said that some of those properties were fairly new developed multi-family units. He agreed that the school zone should be expanded and speed limit reduced but there wasn't anything that Planning and

Zoning could do about that. Mulcahy said that the road was 24' across and was not substandard to the county standards. Mussman pointed out that the applicants had planned on adding 30' to that portion of River Road so that easement would not have to be required if improvement were to take place. Mussman said it would be a matter of political will and figuring out how to pay to make it happen.

Dyck asked the applicant and representative to address the public comment made that the southern properties were supposed to be bought and not rented, which was not represented in the application. Mulcahy said that when he started the process they had looked at doing that, however, it became problematic because manufactured home parks do not get plated and recorded. A subdivision where ½ was rented and ½ was sold had never been created before. He would have to create a HOA between the renters and the owners and that would prove to be problematic and complex. He made the lots on the south side bigger.

Noble questioned if they had acquired an easement from The Moose Lodge for a bike path. Mulcahy clarified they entered in to an understanding with the School District and secured an easement with The Moose Lodge. The sewer line would enter in through the school land, head south, and enter in The Moose Lodge. The School District requested a paved path to help direct foot traffic to avoid traffic on the ball fields. They also requested a chain-linked fence on the eastern boundary to help direct the pedestrian path. There was discussion on location of everything in relationship to the map.

Noble also asked about an additional 30' wide easement along River Road. Mulcahy said that River Road only had a 30' declared right of way so they would be dedicating an additional 30' right of way on their property.

Dyck wondered if there had been any discussion about putting a sidewalk to help create a safer pedestrian path. Mulcahy pointed out the pedestrian path that they planned on doing and pointed out the access to the school from there. He said they had looked seriously at pedestrian circulation.

Dyck addressed the public and said that the board understood the importance of safety for the community. He said that they had a responsibility to hear both sides. They did not take it lightly and were trying to process the right way to move forward with the application.

Netteberg thanked everyone for being there as a part of the process. He let them know it was a really hard job; they were a volunteer board and it wasn't always easy. He said that they had to look at both sides. They also had to look at what else the property was zoned for and the best use for it.

Klempel asked Mussman what else the property could be used for. Mussman

reviewed the regulations for the zoning and discussed in great length possible scenarios.

Dyck said that the reason why he had asked to review the zoning regulations was so the public understood what else could go there. He said that through a Conditional Use Permit, the development would have to uphold the conditions or the applicant would get penalized. He said that if it was a regular subdivision, the neighbors would not have a say.

**MOTION TO
ADOPT F.O.F
(FCU-18-01)
9:29 pm**

Klempel made a motion seconded by Netteberg to accept Staff Report FCU-18-01 as Findings-of-Fact.

**ROLL CALL TO
ADOPT F.O.F
9:29 pm**

Motion was approved on a roll call vote

**BOARD
DISCUSSION
9:30 pm**

Dyck reviewed the conditions that were on the proposal and discussed what they wanted to amend and add. Nielsen read the previous conditions that were added at the previous hearing. They discussed in great detail and decided upon the changes of existing conditions and to add conditions as listed below:

15. *Where ~~oil or~~ propane gas heating of a manufactured home is necessary, a fuel storage facility shall be provided on the manufactured home site not to exceed a three hundred (300) gallon capacity. The storage facility shall extend no higher than six feet above ground level and shall be located and screened to blend with its surroundings.*
19. *In order to assure the provisions for collection and disposal of solid waste, the developer shall use a solid waste contract hauler for the manufactured home park.*
20. *Appendix H of the application (park rules) shall be a condition of the permit to ensure compliance of the manufactured home standards.*
21. *A thirty-foot 'living buffer' shall be provided on the southern property line with a four-foot chain link fence to the north of the buffer.*
22. *The manufactured homes shall not be older than 10 years old at the time of installation in the manufactured home park.*
23. *Park Rules shall not change unless approved by the Flathead County Board of Adjustments.*
24. *There shall be no subletting of manufactured homes within the manufactured home park.*
25. *The pedestrian path shall extend from the Evergreen Middle School to the development and be paved. An easement shall be required.*
26. *All spaces within the manufactured home park shall be owner-occupied.*
27. *All manufactured homes located within the 0.2% (500-year floodplain) shall be placed at a minimum of two feet above base flood elevation.*

**MOTION TO
AMMEND AND
ADD
CONDITIONS**
9:39 pm

Netteberg made a motion, seconded by Noble, to modify condition #15 and add conditions #19 thru #27 as mentioned above.

**ROLL CALL TO
ADD AND
AMMEND
CONDITIONS OF
F.O.F.**
9:39 pm

Motion was approved on a roll call vote

**MOTION TO
APPROVE
(FCU-18-01)**
9:40 pm

Netteberg, made a motion seconded by Dyck, to approve FCU-18-01.

**BOARD
DISCUSSION**
9:41 pm

Klempel brought up that they were torn because the applicant could put something in that could have a lot larger of an impact than the mobile home park would be.

Noble was having a difficult time with the safety of the road. He said that he understood the adjacent property owners' concerns.

Mussman suggested that somebody second the motion so that they can continue to discuss. Dyck seconded the motion and then they continued discussion.

Dyck was concerned that if they decided to deny the application then they could go back and redesign something that would not go before them and with that the 27 conditions would disappear. He said that what they were trying to do was to put restrictions on it to help the neighborhood. He said that the challenges laid before them ran deeper and needed to be addressed at the Commissioner level or deeper in the planning level.

**ROLL CALL TO
APPROVE
(FCU-18-01)**
9:46 pm

On a roll call vote, 2-2, the motion was neither approved nor denied. Noble and Klempel dissented.

**DIRECTOR
ADDRESSED THE
PUBLIC**
9:53 pm

Mussman told the crowd the application was not approved. He said, because it was not approved, he believed the Commissioners would not consider the subdivision because the subdivision was for lease or rent and a conditional use permit was required. He told the public that they would be able to contact the office to confirm if the application would be considered any further.

OLD BUSINESS None
9:55 pm

NEW BUSINESS None
9:55 pm

MEETING Noble motioned, seconded by Klempel, to adjourn the meeting. It was
ADJOURNED adjourned by quorum
9:55 pm


Mark Hash, Chairman


Angela Phillips, Recording Secretary

APPROVED AS SUBMITTED/CORRECTED 87/2018